

MARGARET A. MCLEATCHIE, Nevada Bar No. 10931  
ALINA M. SHELL, Nevada Bar No. 11711  
**MCLEATCHIE LAW**  
701 East Bridger Ave., Suite 520  
Las Vegas, Nevada 89101  
Telephone: (702) 728-5300; Fax: (702) 425-8220  
Email: maggie@nvlitigation.com  
*Attorneys for Plaintiff Mary Benson*

**UNITED STATES DISTRICT COURT**

**DISTRICT OF NEVADA**

MARY BENSON, an individual,

Plaintiff,

vs.

LAS VEGAS METROPOLITAN POLICE  
DEPARTMENT, in its official capacity; and,  
BRET EMPEY, in his official capacity as  
Sergeant of the Las Vegas Metropolitan  
Police Department;

Defendants.

Case. No.: 2:19-cv-01949-RFB-VCF

**STIPULATION AND ORDER TO  
EXTEND DISCOVERY  
DEADLINES  
(SECOND REQUEST)**

**[ECF No. 26]**

Pursuant to Fed. R. Civ. P. 16(b)(4) and Local Rule 26-4, Plaintiff MARY BENSON and Defendants LAS VEGAS METROPOLITAN POLICE DEPARTMENT and BRET EMPEY (“LVMPD Defendants”), by their respective counsel, hereby submit this *Stipulation and Order to Extend Discovery Deadlines (Second Request)* to request the Court to continue the pretrial and trial dates by ninety (90) days.

**I. DISCOVERY CUT-OFF DEADLINES**

A. The discovery cut-off date shall be rescheduled from November 30, 2020 to **March 1, 2021**;

B. The deadline for the initial disclosure of experts and expert reports shall be rescheduled from September 30, 2020 to **December 29, 2020**;

C. The deadline for the disclosure of rebuttal experts and their reports shall be rescheduled from October 30, 2020 to **January 28, 2021**;

1 D. The deadline to file<sup>21</sup> dispositive motions shall be rescheduled from  
2 December 29, 2020 to **March 31, 2020**; and

3 E. The deadline to file the Joint Pretrial Order shall be rescheduled from  
4 January 28, 2021 to **April 30, 2021**.

5 **II. REASON FOR THE REQUESTED EXTENSION**

6 Pursuant to Local Rule 26-4, the Parties submit that good cause  
7 exists for the extension requested. This is the second request for an extension in this case.  
8 The Parties acknowledge that, pursuant to LR 26-4, a stipulation to extend a deadline set  
9 forth in a discovery plan must be submitted to the Court no later than 21 days before the  
10 expiration of the subject deadline, and that a request made within 21 days must be supported  
11 by a showing of good cause. Here, the deadline for the initial disclosure of initial experts and  
12 initial expert reports is currently September 30, 2020. Thus, the instant stipulation to extend  
13 the deadline for initial expert disclosures is untimely. However, good cause exists to consider  
14 this request to extend the deadline for initial expert disclosures. Plaintiff has alleged that she  
15 has suffered economic damages as a result of her constructive termination, including but not  
16 limited to lost current and future pension income and benefits, lost vacation and sick time,  
17 lost current and future medical insurance benefits, and lost income, for which an expert  
18 witness(es) will be necessary to assess one or more of these areas. Due to the respective  
19 workloads of the Parties' counsel, coupled with the restrictions put in place as a result of the  
20 COVID-19 pandemic, the Parties seek this extension to allow additional time to secure initial  
21 expert witnesses and, absent this extension of time for initial expert disclosures, both parties  
22 will be deprived of expert analysis of Plaintiff's asserted damages. Accordingly, the Parties  
23 submit that good cause exists to excuse the untimely request to extend the initial expert  
24 disclosure deadline.

25 **WHEREAS**, the Parties have been diligently conducting discovery. Since January  
26 2020, the Parties have propounded and responded to requests for written discovery; have  
27 produced documents relating to liability issues; and have been working to coordinate  
28 depositions.

**WHEREAS**, additional time is needed for discovery due to the current State of Emergency resulting from the COVID-19 virus, including ongoing office closures and limitations on travel and personal contact, the Parties have been limited in their ability to conduct depositions.

**III. STATUS OF DISCOVERY EFFORTS TO DATE**

The following discovery has been completed to date:

1. LVMPD Defendants provided their Fed. R. Civ. P. 26.1 Production of Documents and Witness List on January 6, 2020;

2. Plaintiff Mary Benson provided her Fed. R. Civ. P. 26.1 Production of Documents and Witness List on January 7, 2020;

3. LVMPD Defendants propounded their First Set of Requests for Production of Documents to Plaintiff Mary Benson on January 17, 2020;

4. Plaintiff Mary Benson responded to LVMPD Defendants' First Set of Requests for Production of Documents on March 10, 2020;

5. Plaintiff provided her First Supplement to her Fed. R. Civ. P. 26.1 Production of Documents and Witness List on March 10, 2020;

6. Plaintiff Mary Benson propounded her First Set of Requests for Production of Documents to Defendant Sgt. Bret Empey on March 13, 2020;

7. Plaintiff Mary Benson propounded her First Set of Requests for Production of Documents to Defendant Las Vegas Metropolitan Police Department on March 13, 2020.

8. LVMPD Defendants provided their First Supplement to their Fed. R. Civ. P. 26.1 Production of Documents and Witness List on May 11, 2020;

9. Defendant Sgt. Bret Empey responded to Plaintiff Mary Benson's First Set of Requests for Production of Documents on May 11, 2020; and

10. Defendant Las Vegas Metropolitan Police Department responded to Plaintiff Mary Benson's First Set of Requests for Production of Documents on May 11, 2020.

**IV. DISCOVERY REMAINING**

The Parties agree that the following discovery must be completed:

1. The deposition of Plaintiff;
2. The depositions of Defendants;
3. The depositions of witnesses;
4. The deposition(s) of the Defendants' Person(s) Most Knowledgeable;
5. The deposition(s) of expert witness(es) designated by all Parties;
6. Additional written discovery; and
7. Additional records collection.

**V. CONCLUSION**

Based on the above, requisite good cause exists to warrant an extension of the Scheduling Order (ECF No. 26) deadlines. Accordingly, the Parties respectfully request that this Court extend the current deadlines by ninety (90) days in order to allow all Parties to adequately complete discovery and to resolve present scheduling conflicts.

IT IS SO STIPULATED.

DATED this the 30<sup>th</sup> day of September, 2020. DATED this the 30<sup>th</sup> day of September, 2020.

**MARQUIS AURBACH COFFING**

**MCLEATCHIE LAW**

/s/ Nick D. Crosby

/s/ Alina M. Shell

Nick D. Crosby, NBN 8996

Margaret A. McLetchie, NBN 10931

10001 Park Run Drive

Alina M. Shell, NBN 11711

Las Vegas, NV 89145

701 East Bridger Ave., Suite 520

Email: ncrosby@maclaw.com

Las Vegas, NV 89101

Attorney for LVMPD Defendants

Email: maggie@nvlitigation.com

Attorneys for Mary Benson

**ORDER**

IT IS SO ORDERED.

DATED this 30<sup>th</sup> day of September, 2020.

U.S. MAGISTRATE JUDGE